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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,316	08/01/2002	Jari Ruutu	1003277-000034	7289

21839 7590 03/17/2006

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,316

Applicant(s)

RUUTTU ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 10-14 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 15, 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/03, 8/1/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Restriction Requirement

The examiner is in receipt of applicant's response to restriction requirement mailed 9/19/2005, which was received 1/18/2006. Acknowledgement is made to the election of Group 1F which include claims 1,9,15 and 16 along with the addition of claims 18 and 19 without traverse. Regarding applicant's request for rejoiner, the examiner will consider rejoiner as is prescribed in MPEP § 804.01.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Abraham et al. (5,570,292).

In regards to claim 1, Abraham et al. teaches all the steps of the method of claim 1, except that Abraham does not specify that the methods of selecting, ordering and manufacturing a custom product is specifically for the production of a mobile phone cover (see abstract and summary). It would have been an obvious matter of design choice to include in Abraham the intended use of producing custom mobile phone covers, because the applicant has not disclosed that limiting the method of Abraham to only mobile phone covers solves any stated problem or is for any particular purpose and it appears that the invention of Abraham would perform equally well selecting, ordering and manufacturing custom mobile phone covers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham in view of Turnbull et al. (5,559,708).

In regards to claims 9 and 19, Abraham teaches a manufacturing process for producing a customized product from digital information supplied by a customer over a network, but does not mention that the manufacturing process includes spray-painting with print heads. Turnbull teaches painting surfaces using print heads for customized parts produced to customer specification (col 4, lines 10-20 and col 3, lines 6-20). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Abraham a printing process using print heads, because the digitized data from the customer can be directly transferred to the print head for custom painting thus saving programming time.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham in view of Reidel (5,409,648).

In regards to claims 15 and 18, Abraham teaches a manufacturing process for producing a customized product from digital information supplied by a customer over a network, but does not mention that the manufacturing process includes leather covered injection molded plastic covers. Reidel teaches a leather covered plastic produced with an injection molding process (FIG 3). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in a manufacturing process that was producing customized mobile phone covers with leather the application of leather to the injection molded part, because using the injection molding process substantially maintains the natural appearance of the leather in three dimensional

shapes and avoids creases, cracks and breaks in the material (Reidel, col 3, lines 25-30).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham in view of McBride et al. (5,923,752).

In regards to claim 16, Abraham teaches a manufacturing process for producing a customized product from digital information supplied by a customer over a network, but does not mention that the manufacturing process includes a leather cover that is a separate part. McBride teaches the use of leather covers to cover a mobile phone (col 1, lines 25-35). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in a manufacturing process that was producing customized mobile phone covers to include leather removable covers, because these covers were a well known means for protecting the phone and adding personalized style, thus increasing revenues by including a product that individuals might want.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-**

6755. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner